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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,202	01/15/2002	Yoichiro Ban	58824-US-AK/ci	3586

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EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2682

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,202	BAN ET AL.	
	Examiner	Art Unit	
	Yuwen Pan	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 18, 21, 22, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 10, 19, 20, 23-25, 28-30, and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 9/22/05 have been fully considered but they are not persuasive. The applicant argues that Nonogaki uses two CPUS and not a single CPU as is defined in amended independent claims, and even when they are combined, there is no motivation to prove the single CPU, which carries out the standby operation for monitoring the incoming call and the image processing operation. The examiner respectfully disagrees. Utilizing how many CPUs would not change the functions required by one single device. If a single CPU is powerful enough to process the data that need two previous CPUs, it is logical and feasible to utilize one CPU to do two CPUs job because one CPU usually require less space with in a wireless terminal such that it would reduce the size of the wireless device. Therefore, it would be obvious to utilize a single CPU, which carries out the standby operation for monitoring the incoming call and the image processing operation.
2. The examiner acknowledges that claims 13 and 15-17 are cancelled without prejudices and claims 18-35 are newly added.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 8, 11-14, 18, 21, 22, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonogaki (US006625478B1) in view of Siddoway et al (US006473631B1).

Per claims 1, 7, 8, 11, and 12, Nonogaki discloses a mobile terminal comprising: a receiver that receives an incoming call (see figure 1 and item 312), an AV mode reproducing an image (figure 1 and item 200, column 4 and lines 10-14), a standby operation part that monitors the incoming call (figure 1 and item 308), a controller that controls an operational mode that has a camera-dedicated mode and a bifunctional mode (see column 1 and line 58-column 2 and line 2); a display that shows a mode selection menu so that the operational mode can be selected by a user (figure 1 and item 404), wherein the controller inhibits the standby operation part from monitoring the incoming call and allows the camera to capture the image while in the camera-dedicated mode, the controller allows the standby operation part to monitor the incoming call and allows the camera to capture the image while in the bifunctional mode, and the controller sets the camera-dedicated mode as the operational mode when the camera-dedicated mode is selected by user, and the controller sets the bifunctional mode as the operational mode when the bifunctional mode is selected by the user (see column 2 and lines 3-55). Nonogaki doesn't expressly teach a camera mode that captures an image. Siddoway teaches a video camera phone that is able to capture and reproduce an image (see figure 3 and 4, column 4 and abstract). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Siddoway with Nonogaki's device such that it would provide more features for a portable phone.

Per claim 2, Nonogaki further teaches a radio environment measuring means for measuring a state of a radio environment that is involved in the standby operation, the control means prohibits the standby operation during the image capture operation when the radio

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environment measuring means detects that the radio environment involved in the standby operation is in a relatively bad state (see column 2 and lines 14-20).

Per claims 3, 22, 27, and 32, Nonogaki further teaches that a notification means for conducting a first notification operation, wherein the control means commands the notification means to carry out the first notification operation when the standby operation is prohibited (column 2 and lines 41-55).

Per claim 4-6, Nonogaki further teaches that the control means enables the standby operation when a second predetermined condition is satisfied when the radio environment measuring means detects a change in the state of the radio environment involved in the standby operation from the relatively bad state to a relatively good state and the control means commands the notification means to carry out a second notification operation when the standby operation is enabled (see column 3 and lines 12-41).

Per claim 14, Nonogaki further teaches that the controller functions a image processor and the standby operation part and the receiver receives the incoming call through a wireless communication (see figure 1).

Per claims 18, 21, 26, and 31, Nonogaki further teaches that the control means terminates the prohibition of the standby operation and thereby allows the standby operation when the

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control means detects that an operation for terminating the image capture operation is performed in the AV mode (see column 7 and lines 20-55).

Allowable Subject Matter

5. Claims 10, 19, 20, 23-25, 28-30, and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Maruyama doesn't expressly teach the notification operation includes clearing of a display of an antenna bar on the notification means.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vuong can be reached on 571-272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yuwen Pan
November 5, 2005



QUOCHIE B. VUONG
PRIMARY EXAMINER